



UNITED STATES DEPARTMENT OF COMMERCE
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08/443,801 05/18/95 SATO

EXAMINER
K 77792/12

ART UNIT PAPER NUMBER
4

E6M1/0418

FRANK PIETRANTONIO
KENYON & KENYON
1025 CONNECTICUT AVENUE NW
WASHINGTON DC 20036

DATE MAILED:
2617

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

04/18/96

☒ This application has been examined ☒ Responsive to communication filed on 5/18/95 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited by Examiner, PTO-892.
- ☒ Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☒ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐

Part II SUMMARY OF ACTION

1. ☒ Claims 1-11 are pending in the application.

Of the above, claims 0 none are withdrawn from consideration.

2. ☐ Claims — have been cancelled.

3. ☐ Claims — are allowed.

4. ☒ Claims 1-4 and 6-11 are rejected.

5. ☒ Claims 5 are objected to.

6. ☐ Claims — are subject to restriction or election requirement.

7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on —. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on —, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed —, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. —; filed on —.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Claim Rejections - 35 USC § 112

1. Claim 4 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the claim, the term "polls" is confusing since the term does not make clear what is actually taking place. A definition is given in the discussion of claim 4 below.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,6 and 8 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by **Sumner**.

For claim 1, **Sumner** discloses an In-Vehicle Traffic Congestion Information System mainly conceived to provide real time traffic congestion data to drivers having all the claimed

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subject matters, as noted, 1) the claimed on vehicle data processor is met by the vehicle processor subsystem (103); 2) the claimed off-vehicle input unit is met by the central subsystem (101); 3) the claimed data storage unit is met by the central computer (101); 4) the claimed sensor unit is met by a "handshake message" (col. 13, lines 54-64); 5) the claimed transmitter is met by the communication subsystem (102).

For claim 2, **Sumner** discloses all the claimed subject matters as stated in the rejections of claim 1 above. Furthermore, the central subsystem and the communication subsystem constitutes the information center in the claim. In regard to the claimed data processor having a transmitter, **Sumner** discloses the vehicle processor subsystem (103).

For claim 3, the claimed mobile telephone system is met by the communication subsystem (col 6, lines 5-11).

For claim 6, the claimed navigation system is met by the in-vehicle data processor.

For claim 8, **Sumner** discloses an Invehicle Traffic congestion Information System mainly conceived to provide real time traffic congestion data to drivers having all the claimed subject matters, as noted, 1) the claimed on-vehicle data processor is met by the vehicle processor subsystem (103); 2) the claimed off-vehicle input unit is met by the central subsystem (101); 3) the claimed data storage unit is met by the central

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computer (101); 4) the claimed sensor unit is met by a "handshake message" (col. 13, lines 54-64); 5) the claimed transmitter is met by the communication subsystem (102).

For claim 9, **Sumner** discloses all the claimed subject matters as stated in the rejections of claim 8 above. Furthermore, the central subsystem and the communication subsystem constitutes the information center in the claim.

For claim 10, the claimed mobile telephone system is met by the communication subsystem (col 6, lines 5-11).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

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3. Claim 4 is rejected under 35 U.S.C. § 103 as being unpatentable over **Sumner**. **Sumner** discloses the claimed invention except for the polling of vehicles by the sensor unit. It would have been obvious to one having ordinary skill in the art at the time the invention was made to readily recognize a sensor unit can detect transmitted signals from a plurality of sources within a control area depending on the condition that has to be met by the sensor. It is known in the art that a sensor detects a signal or stimuli from various sources to respond to that condition. This detecting and responding by the sensor is view as polling.

4. Claims 7 and 11 are rejected under 35 U.S.C. § 103 as being unpatentable over **Sumner** in view of **Taniguchi**.

For claim 7, **Sumner** discloses the claimed audio system except for the input unit that inputs music information. **Tanigguschi** discloses that it is known in the art to provide an input unit for music information. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the central subsystem of **Sumner** with the music input unit device of **Taniguchi** that provides a variety of information (both music and traffic information).

For claim 11, **Sumner** discloses the claimed audio system except for the vehicle processor requesting music information.

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Tanigguschi discloses that it is known in the art to provide a request signals for music information.

Allowable Subject Matter

5. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed R. Ghannam whose telephone number is (703) 308-6648. The examiner can normally be reached on Mon.-Fri and alternate Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass, can be reached on (703) 305-4717. The fax phone number for this Group is (703) 308-5397.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4750.


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MRG

April 4, 1996


JEFFERY HOFSASS
SUPERVISORY PATENT EXAMINER
GROUP 2600